



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/659,038 | 09/09/2003 | Ge Zhu | HYM-001-2 | 3279 |

22888 7590 08/09/2007
BEVER HOFFMAN & HARMS, LLP
TRI-VALLEY OFFICE
1432 CONCANNON BLVD., BLDG. G
LIVERMORE, CA 94550

| |
|----------|
| EXAMINER |
|----------|

PHILIPPE, GIMS S

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2621

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/659,038

Applicant(s)

ZHU ET AL.

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-31 and 39-47 is/are allowed.
- 6) ☒ Claim(s) 1-6, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 7-14, 34-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Response to Amendment

1. Applicant's response received on May 24, 2007 has been fully considered and entered but the arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (US Patent no. 6,061,100) in view of Lim et al. (US Patent no. 6,606,126).

Regarding claims 1 and 32, Ward discloses the same system and method of detecting still pixels in a video stream having a plurality of fields including an early field having an early current pixel and a late field having a late current pixel (See Ward Abstract), the method comprising defining a first window of pixels of the late field, wherein the first window includes the late current pixel (See col. 6, lines 58-66, col. 5, lines 63-65), defining a second window of pixels of the late field, wherein the second window includes

the late current pixel (See fig. 3, and col. 7, lines 11-30), The applicant should note that the matrices shown in fig. 3 define the first and second windows.

It is noted that Ward is silent about performing the first and second still pixel tests as specified in the claims.

However, Lim discloses system and method of detecting still pixels in a video stream having a plurality of fields wherein the claimed first and second window still pixel tests are performed (See Figs 5a and 5b, col. 8, lines 3-27).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Ward's still detection by incorporating Lim's first and second window still pixel tests are performed. The motivation for performing such a modification in Ward is to determine whether the picture associated with a derived motion vector is a still or slow moving picture as taught by Lim (See Lim col. 8, lines 43-48).

As per claims 2 and 33, most of the limitations of these claims have been noted in the above rejection of claims 1 and 32. In addition, Ward further discloses a late current pixel being a still pixel when the late current pixel passes the first window still pixel test or the second window still pixel test (See col. 6, lines 58-67 and col. 7, lines 1-7).

As per claims 3-6, most of the limitations of these claims have been noted in the above rejection of claims 1 and 32. In addition, Ward's fig. 1 shows the scan line where the pixels of the first window may be formed (See col. 5, lines 60-67 and col. 6, lines 1-5).

Art Unit: 2621

4. Claims 7-14, and 34-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 15-31 and 39-47 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

August 3, 2007